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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McClung, G.L. III

Serial No: 09/375,451

Filed: 08/17/99

For: Improvements To
Business System

§
§ Art Unit: 3622
§
§ Examiner: Raquel Alvarez
§
§ Atty Docket No: GLM III

PATENT
Patricia Glenn
#38/09/03
8.12.03

Appeal Brief Cover Letter

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Respectfully submitted,

Guy McClung

Guy McClung ("Guy L. McClung, III")
Reg. No. 29,008

Date: 12 July 2003

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Date: 12 July 03

Guy McClung
Guy McClung, Reg. No. 29,008



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IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPEAL BRIEF

07/17/2003 RMEBRAHT 00000087 09375451

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APPLICANT:	Guy L. McClung, III; Reg. No. 29,008
SERIAL NO.:	09/375,451
FILED:	08/17/1999
FOR:	IMPROVEMENTS TO BUSINESS SYSTEM
ART UNIT:	2162

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TABLE OF CASES AND AUTHORITIES

In Re Mills

U.S. Court of Appeals For The Federal Circuit
916 F.2d 680; 16 USPQ2d 1430 (1990)

Ex Parte Porter

Board of Patent Appeals & Interferences
25 USPQ 2d 1144, 1147 (1992)

In Re Fine

U.S. Court of Appeals For The Federal Circuit
837 F-2d 1071, 5 USPQ 2d 1596 (1988)

In Re Toma

197 USPQ (BNA) 852 (CCPA 1978)

Ex Parte Bowman

61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001)

State Street Bank & Trust Co. v. Signature Financial Group, Inc.

149 F.3d 1368 (1973); 47 USPQ2d (BNA) 1596; (Fed. Cir. 1998)

STATUS OF CLAIMS

Originally, claims 1 - 20 were presented in this application and were cancelled in a Preliminary Amendment that presented new claims 21 - 37. Claims 21 - 37 were rejected by the Examiner and then canceled by Applicant and new claims 38 - 54 were presented. Claims 38 - 54 were finally rejected and were the claims which were the subject of the first appeal in this case. Claims 55-71 have now been finally rejected and are the claims now appealed here in this second appeal.

STATUS OF AMENDMENTS

After final rejection of claims 38 - 54, Applicant filed a Response To Office Action Mailed 6/28/2002 presenting no new claims. In an Advisory Action mailed 8/14/2002 the rejection of claims 38 - 54 was maintained. Applicant filed a Response To Office Action Mailed 6/28/2002 & To Advisory Action Mailed 08/14/2002 which again presented no new claims. The final rejection of the claims was maintained in an Advisory Action Mailed 08/26/2002. Following the the first appeal in this case [first Appeal Brief filed 9/27/2002], prosecution of the application was then re-opened in an Office Action mailed 12/20/2002 in which claims 38-54 were rejected. New claims 55-71 - the claims appealed here - were presented in the Response filed Feb. 27, 2003 - Response To Office Action Mailed 12/20/2002 - (copy of claims 55-71 in the Appendix hereto). In an Office Action mailed 05/07/2003 claims 55-71 were finally rejected.

SUMMARY OF THE INVENTION

A method is claimed for guaranteeing a best price to a consumer following (in time) a purchase of an item in a final consummated sale at a first price. If a later price is better (lower) than the first price - after the sale at the first price is completed - a refund is provided by crediting an account of the consumer. The method includes: recording the first price and information identifying the consumer; monitoring the sales price for a predetermined time period after purchase by the consumer in the consummated final first transaction; noting any price lower than the first price during the predetermined time period following the purchase; calculating a money-value difference between the first price and any price lower than the first price; and refunding to the consumer an amount equal to the money-value difference. The item is purchased via a host system that: records the first price and information identifying the customer; conducts the monitoring, noting, and calculating steps; and provides the refund by crediting an account of the consumer. A business system is also claimed that includes means for accomplishing methods according to the present invention. (See, e.g. Specification p. 2. lines 29 - 33; p. 3, lines 1 - 16; p. 6, line 2; p. 6, lines 9, 10; p. 7, lines 25 - 34; p. 8, lines 1- 11; p. 9, lines 7 - 27; and Drawing Figs. 1 and 2). In one particular embodiment the consumer receives a refund for each subsequent sales price lower than the first price. (See, e.g., Specification p. 8, lines 13 - 15).

ISSUES

1. Whether claims 55 - 71 are unpatentable under 35 U.S.C. §103(a) over Bloomberg et al (U.S. 5,462,279; henceforth herein "Bloomberg") in view of Walker et al (U.S. 6,249,772; henceforth herein "Walker").

2. Whether claims 55 - 71 are unpatentable under 35 U.S.C. §101.

GROUPING OF CLAIMS

1st Group of Claims: Claims 55 - 63

2nd Group of Claims: Claims 64 - 70

3rd Group of Claims: Claim 71

The rejected claims do not stand or fall together and reasons for this are presented in the Argument section below.

ARGUMENT

This is a simple case. The Applicant believes that there has been an incorrect factual interpretation of the cited references (Bloomberg and Walker) and that elements supplied by Official Notice are insufficient to render the claims unpatentable. Applicant believes that no cited art or teaching includes critical elements of what is claimed, namely, crediting a consumer's account with a price-differential based on the results of monitoring prices after a sale and determining a difference between a price paid in a completed sales transaction and a price charged later in time.

Applicant respectfully submits that the claimed subject matter recites sufficient "structure" to satisfy § 101.

Independent claims 55, 64, and 71 are illustrative of the broadest claims on appeal:

55. A method for guaranteeing a consumer a best price on an item purchased from a vendor in a consummated final first transaction at a first price, the method comprising

recording the first price and information identifying the consumer;

monitoring the sales price of the item for a predetermined time period after purchase of the item by the consumer in the consummated final first transaction;

noting any price lower than the first price for the item during the predetermined time period following the purchase of the item;

calculating a money-value difference between the first price and said any price lower than the first price; and

refunding to the consumer an amount equal to the money-value difference;

wherein the item is purchased via a host system and the host system records the first price and information identifying the customer; the host system conducts the monitoring, noting, and calculating steps; and the host system provides the refund to the consumer; and

wherein the host system provides the refund by crediting an account of the consumer.

64. A business system for guaranteeing a consumer a best price on an item purchased from a vendor in a consummated final first transaction at a first price, the system comprising

means for recording the first price and information identifying the consumer;

means for monitoring the sales price of the item for a predetermined time period after purchase of the item by the consumer in the consummated final first transaction;

means for noting any price lower than the first price for the item during the predetermined time period following the purchase of the item;

means for calculating a money-value difference between the first price and said any price lower than the first price; and

means for refunding to an account of the consumer an amount equal to the money-value difference.

71. In a business system with a magnetic strip card with consumer identifying information encoded thereon said information identifying a consumer desiring to conduct a transaction with a vendor, a host system that maintains information about discounts from said vendor, an apparatus for reading information on the magnetic strip card, said apparatus interconnected with and in communication with the host system, and means for applying any applicable discount related to said transaction for the benefit of said consumer, the improvement comprising

means for guaranteeing a consumer a best price on an item purchased from the vendor in a consummated final first transaction at a first price; said means further comprising

means for recording the first price and information identifying the consumer;

means for monitoring the sales price of the item for a predetermined time period after the purchase of the item by the consumer in the consummated final first transaction;

means for noting any price lower than the first price for the item during the predetermined time period;

means for calculating a money-value difference between the first price and said any price lower than the first price; and

means for refunding to an account of the consumer an amount equal to the money-value difference.

FACTUAL MISINTERPRETATION OF ART

A proper factual basis for reaching conclusions of obviousness is required in rejecting claims. In *Re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); *Ex Parte Porter*, 25 USPQ 2d 1144, 1147 (Board of Patent Appeals & Interferences), citing *In Re Fine*, 837 F. 2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988).

In this case Applicant believes the cited references have been incorrectly interpreted. In summary, the Bloomberg reference has nothing to do with any account of any kind and the Walker reference has nothing to do with any post-sale activity.

The system and method claimed by Applicant is directed to a situation in which, following a final consummated sale of an item purchased by a consumer, prices that come into effect after the sale are monitored. Then, if a lower price goes into effect, an account of the consumer is credited with a refund amount equal to the difference between the price originally paid and the subsequent (in time) lower price. The Specification in many places refers to the ensuing temporality of the prices that are monitored and to the fact that the prices that may trigger a refund are in a "future time period" (See, e.g. the reference to "future time period" at p. 6, line 2).

The Walker reference is not directed to future-time post-sale prices that may go into effect for an item previously purchased by a consumer. Nothing in the Walker reference deals with or suggests a subsequent (in time) price that may go into effect for a purchased item. Nothing in Walker deals with or suggests charging a consumer a later lower price.

In Walker, two prices are of concern — a pre-sale-consummation "established price" and an at-the-time-of-sale "store price." Neither of these prices is a price that comes into existence following the consummation of a purchase. Walker's "established price" is a pre-set price agreed upon by a consumer and a seller before a sale. This "established price" does not go into effect following (in time) a sale. Walker's "store price" is a price in effect at the time of sale — it is not a price that goes into effect following a sale.

The rejections of the claims focus on text in the Walker reference that deals with an established price that is less than a store price in a situation in which the customer is charged the higher store price at (not after) the time of sale (Walker, Col. 22, lines 18 -33).

Walker is directed to systems for providing a manufacturer control over retail pricing. Walker has nothing to do with checking the sales price of an item after a sale to provide a consumer a better, lower price. Walker has no teaching or suggestion regarding monitoring sales prices; monitoring sales prices for a predetermined time period after a sale is finalized; or for noting any price lower than a price paid.

Walker is directed only to the situation in which the pre-set "established price" is less than the "store price." Walker does not envision the situation in which the store price is less than the established price. Whether in Walker at the time the sale is made the customer is charged the store price or the established price, there is no teaching or suggestion to monitor sales prices after the sale is finalized. Put another way, Walker could not claim what is now claimed herein — there would be no support in Walker for such claims.

All of the claims on appeal deal with a situation that involves a time period following a sale; "monitoring the sales price of the item for a predetermined time period after purchase of the item" (Claim 55); "means for monitoring the sales price of the

item for a predetermined time period after purchase of the item" (Claims 64 and 71); and "means for noting any price lower than the first price for the item during the predetermined time period following the purchase of the item" (Claim 64, 71) [emphasis added]. The Walker reference deals only with "real time" up to the time of a sale regarding prices that may be in effect at the time of a sale.

The Walker reference refers to ". . . and thereafter credit the difference to the customer and indicate the same on the customer's bill (Walker, Col. 22, lines 31 - 33). The "thereafter" in this text from the Walker reference does not refer to prices that go into effect after a sale is finalized, but only to a later time at which a credit may be provided to a customer with respect to an "established price" established before the sale and applicable at the time of the sale.

No other art is cited for a teaching or suggestion of monitoring temporally subsequent price(s) and refunding price differences by crediting a consumer's account as included in the systems and methods Applicant claims herein.

It is admitted in the Office Action (page 7) mailed May 7, 2003 that "Bloomberg does not specifically teach crediting an account of the consumer." Applicant also notes that Bloomberg does not teach or suggest anything regarding a consumer account and Bloomberg does not teach or suggest crediting a consumer account based on a later-in-time post-sale price differential. The concept of a consumer account does not appear in and is nowhere suggested

in Bloomberg. Throughout Bloomberg the focus is on producing and mailing a printed check to a consumer and this is required by every claim in Bloomberg. In discussing the storage in a computer regarding information about a transaction and about a consumer (Bloomberg, Col. 1, lines 65-67; Col. 2, lines 1-6), there is no mention or suggestion of any account — either of the consumer or of the retailer.

Applicant asserts that both cited references are deficient as discussed above. Even if this were not so (which is denied), Applicant believes there is no motivation to combine teachings from these references. Walker is limited to prices in effect before or at the time a sale is consummated — it has nothing to do with and no teaching or suggestion about prices that go into effect following consummation of a sale. Bloomberg has nothing to do with pre-sale pre-established prices. Bloomberg has nothing to do with an account. Bloomberg has nothing to do with a price that is pre-set or established prior to a sales transaction — but this is what Walker is limited to. In short, one of ordinary skill in the art would have no motivation to combine any teachings of these two references and, even if he or she did so, the result would not be what is now claimed herein.

Applicant contends, therefore, that there is no proper factual basis for rejection of any of the claims on appeal for obviousness.

DEPENDENT CLAIMS AND §103 REJECTIONS

Dependent claims 58, 59, 62, 68 and 70 were rejected under §103(a) as being unpatentable over the Bloomberg reference in view of the Walker reference . These claims are as follows:

58. The method of claim 55 wherein the account is an account of the consumer with the host system.

59. The method of claim 55 wherein a refund is made for each subsequent sales price lower than the first price.

62. The method of claim 55 wherein only prices for the item to be sold by the vendor involved in the first transaction are taken into account in the noting step.

68. The business system of claim 64 further comprising
means for duplicating for the consumer any incentive accompanying sales of the item after the consummated final first transaction during the predetermined time period.

70. The business system of claim 64 further comprising
means for providing a warranty to the consumer.

Applicant repeats here the deficiencies of the Bloomberg and Walker references discussed above.

Claim 58 deals with an account of a consumer with a host system. It is admitted in the Office Action (Page 8) that "... the combination of Bloomberg and Walker do not specifically teach that the account is an account of the consumer with the host system." Official Notice is then taken "that it is old and well

known for vendors to establish an account for the consumers in the form of an in-store credit card or the like" and the Office Action goes on to state: "It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included crediting an account with the host system because such a modification would motivate the consumers to buy additional items with the vendor since he or she has already a credit with them."

The Office Action never says that an in-store credit card system is the claimed host system or its equivalent; nor is it established that an in-store credit card system can do what the claimed host system does. Applicant asserts that an in-store credit card system as officially noticed is not the host system of claim 58. The host system of claim 58: "records the first price and information identifying the customer"; "conducts the monitoring, noting, and calculating steps"; "provides the refund to the consumer"; and "provides the refund by crediting an account of the consumer". In the Office Action no official notice is taken that an in-store credit card system can do or does do all these things (and Applicant denies that it can or does). Neither what is claimed herein, nor Bloomberg or Walker have anything to do with motivating a consumer to buy additional items; and, even if a consumer is motivated to buy an additional item, this does not supply the motivation to make the account now claimed herein an account with a host system.

Claim 59 deals with the possibility of a plurality of subsequent (in time) prices that are lower than a purchase price. The rejection of Claim 59 is as follows:

Claim 59 further recites that a refund is made for each subsequent sales price lower than the first price. Since Bloomberg teaches guaranteeing a consumer the best prices then it would have been obvious to a person of ordinary skill in the art to refund the consumers for each subsequent sales price lower than the first price because such a modification would allow the customer to get the lowest price each time the product is purchased.

As argued above, Applicant disagrees with the characterization of Bloomberg as "guaranteeing a consumer the best prices." Bloomberg has no teaching or suggestion of allowing a consumer to take advantage of subsequent multiple prices.

Claim 62 limits the refund to after-sale prices charged by the particular vendor involved in the first transaction. Bloomberg (and Walker) has no teaching or suggestion of this limitation. The Office Action states : " . . Bloomberg does not specifically teach that the noting of the lowering price is only performed for the vendor involved in the first transaction". (Pp. 8-9). But following this in the Office Action there is no further argument regarding this point or any supplying of what is now claimed in claim 62 from

some other source. The list of what Bloomberg does not teach includes an infinite number of things; but, for purposes of establishing what is obvious under the Patent Laws, nothing can be deduced from these non-teachings.

Claim 68 deals with providing a consumer the benefit of any later incentive that goes into effect related to the purchase of an item. The rejection of Claim 68 is as follows:

Claim 68 further recites duplicating any incentive accompanying sales of the item after the first transaction. Official notice is taken that is old and well known to duplicate an incentive. For example, double coupons are well known in the retail market in order to motivate customers to purchase at a certain location. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included duplicating any incentive accompanying sales of the item after the transaction for the above mentioned advantages.

Applicant again focuses on the "after" sale aspects of what is claimed herein and asserts that, even if it is known to duplicate incentives, in the context of the cited references it is not obvious to include after-sale incentive duplication since the cited

references have no teaching or suggestion regarding any price or any incentive that goes into effect after a sale is completed.

Claim 70 deals with providing a warranty to a customer. Applicant submits that Claim 70 stands or falls with independent claim 64 (which, as argued above, Applicant submits defines patentable subject matter).

§ 101 Rejection

Claims 55-71 have been rejected under § 101 as reciting "no structural limitations" (Page 5, Office Action). Applicant respectfully disagrees. Independent claims 55 and 71 recite a "host system" which is a "structure" used to implement the claimed method (claim 55) and is a component of the claimed business system (claim 71). Applicant notes that "host system" [as in claims 55, 65, 66, and 71] is used throughout the text of the Specification of the present application and is well-defined therein [see, e.g., Specification, Pages/Lines: 3/11-16; 3/24; 4/27-30; 4/32; 5/2-7; 8/9-11; 9/19-26; and 12/5-7].

Incorporated by reference and submitted in the present application was a copy of the U.S. patent application entitled "Business System," U.S. Ser. No. 09/375,934 filed 08/17/1999. This application was specifically cited, inter alia, for its description of and definition of "host system." For example, this application defines "host system" as follows (Page 7, lines 23-27; Page 13 lines 23-34 and Page 14, lines 1-19):

. . . a host system [e.g. but not limited to a centralized computer system with its own database; a network of computers; a computer system which accesses other pertinent databases; or the Internet global communications system (henceforth herein "Internet" or "IGCS")]. . .

The Host System includes a computer-accessible database with vendor information that includes available coupon(s) and other information as discussed above. The Host System can be accessible in any known way including, but not limited to, by phone, by cable, and by wireless systems. It is within the scope of this invention for the Host System to be an accessible stand-alone computer system; an Internet service provider ("ISP") that provides access to the Internet; or any known computerized network that includes vendor information. The Host System (and any system disclosed herein) has well known means for accomplishing each of its functions, including, but not limited to, means for storing digitized information; means for mathematical calculation; means for determining the extent of a particular geographic area; means for transmitting and/or receiving data and/or digitized information; means for downloading "Pay Per View" events or other DATA/VIDEO/AUDIO programming using the host system as intermediary or data base — in one aspect applying future rewards as described below; means for contacting a host system by two or more parties from two or more independent locations

simultaneously or by email at the same time for the purpose of communicating with each other as in current chat rooms on the Internet; means for establishing contact with a host system by two or more people from the same telephone number to engage in different interactions with the host system, e.g. one person reviewing coupons and another verifying retirement account status; and means for a host system to automatically receive a signal from a disabled car identifying its PGA and/or location and automatically connecting a consumer to a vendor offering emergency and/or wrecker/repair services and, in one aspect, also directing an emergency communication to one or more preprogrammed telephone numbers, e.g. family, police, insurance company, etc.

Applicant respectfully submits that the "means" recited in claim 64 are adequately defined in the Specification and are sufficiently "structural" to satisfy § 101.

Applicant believes that the *State Street* case directly supports the conclusion that what is claimed herein is statutory subject matter under § 101 when it states that to satisfy the practical and tangible result requirement, the result of the claimed method can be in the form of "numbers, such as price, profit advantage, cost or loss." (*State Street*, 149 F.3d at 1375; 47 USPQ2d at 1602). Applicant also asserts that the requirements of both *In Re Toma* and *Ex Parte Bowman* are met. Regarding *In Re Toma*, what is claimed herein is within the "technological art" because it

includes "crediting and account" and/or operations performed by the host system. Regarding Claim 64 and *Ex Parte Bowman*, the business system of Claim 64 does much more than "transform media into a chart" as did the claimed subject matter in *Ex Parte Bowman*. What is claimed in Claim 64 includes, inter alia, crediting an account of a consumer with a price-differential amount and this is not simply a "manual" operation like plotting results on a chart.

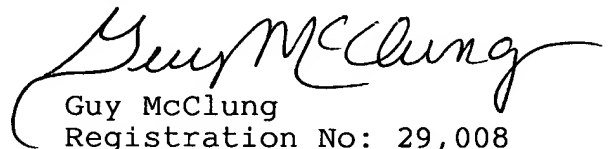
CONCLUSION

Applicants respectfully submit that what is now claimed herein is not obvious in view of the cited references and other cited materials.

Applicants submit that what is now claimed herein satisfies § 101.

For the reasons discussed in detail above, Applicants respectfully submit that the action rejecting the claims should be reversed and the pending claims should be allowed.

Respectfully submitted,


Guy McClung
Registration No: 29,008

Date: 12 July 03

CERTIFICATE OF MAILING

This Appeal Brief is being sent by U.S. Express Mail, U.S. Express Mail Receipt No. EL 404577996 on 12 JUL 03 addressed to the Commissioner for Patents, Mail Stop Appeal Brief-Patents, P.O. Box 1450, Alexandria VA 22313-1450.

US


Guy McClung, Reg. No. 29,008

Appendix

The claims on appeal, claims 55 - 71, were presented in Applicant's RESPONSE TO OFFICE ACTION MAILED 12/20/2002. A copy of the claims 55 - 71 from the pages of this Response is attached.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McClung, G.L. III §
Serial No: 09/375,451 § Art Unit: 2761
Filed: 08/17/99 § Examiner: Raquel Alvarez
For: Improvements To Business Systems § Atty Docket No: GLM III

RESPONSE TO OFFICE ACTION MAILED 12/20/2002

Box Non Fee Amendments
Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

This is a Response to the Office Action Mailed 12/20/2002. Without abandoning any invention or waiving any rights, please enter the amendments that follow.

Please cancel claims 38 - 54 and enter new claims 55 - 71:

1 55. A method for guaranteeing a consumer a best price on an
2 item purchased from a vendor in a consummated final first
3 transaction at a first price, the method comprising
4 recording the first price and information
5 identifying the consumer;
6 monitoring the sales price of the item for a
7 predetermined time period after purchase of the item by the
8 consumer in the consummated final first transaction;

9 noting any price lower than the first price for the
10 item during the predetermined time period following the
11 purchase of the item;

12 calculating a money-value difference between the
13 first price and said any price lower than the first price; and
14 refunding to the consumer an amount equal to the
15 money-value difference;

16 wherein the item is purchased via a host system and
17 the host system records the first price and information
18 identifying the customer; the host system conducts the
19 monitoring, noting, and calculating steps; and the host system
20 provides the refund to the consumer; and

21 wherein the host system provides the refund by
22 crediting an account of the consumer.

1 56. The method of claim 55 wherein the item is purchased by
2 the consumer at a location of the vendor.

1 57. The method of claim 55 wherein the item is purchased by
2 the consumer on-line via a network system.

1 58. The method of claim 55 wherein the account is an account
2 of the consumer with the host system.

1 59. The method of claim 55 wherein a refund is made for each
2 subsequent sales price lower than the first price.

1 60. The method of claim 55 further comprising
2 monitoring sales of the item during the
3 predetermined time period for any incentive provided to
4 consumers purchasing the item following the consummated final
5 first transaction; and

6 providing the consumer involved in the consummated
7 final first transaction with a refund based on a money value
8 of said incentive.

1 61. The method of claim 55 further comprising
2 monitoring sales of the item during the
3 predetermined time period for any incentive provided to
4 consumers purchasing the item following the consummated final
5 first transaction; and

6 providing the consumer involved in the consummated
7 final first transaction with a refund based on a money value
8 with said incentive.

1 62. The method of claim 55 wherein only prices for the item
2 to be sold by the vendor involved in the first transaction are
3 taken into account in the noting step.

1 63. The method of claim 55 wherein only prices for the item
2 for sale in a pertinent geographic area are taken into account in
3 the noting step.

1 64. A business system for guaranteeing a consumer a best
2 price on an item purchased from a vendor in a consummated final
3 first transaction at a first price, the system comprising

4 means for recording the first price and information
5 identifying the consumer;

6 means for monitoring the sales price of the item for
7 a predetermined time period after purchase of the item by the
8 consumer in the consummated final first transaction;

9 means for noting any price lower than the first
10 price for the item during the predetermined time period
11 following the purchase of the item;

12 means for calculating a money-value difference
13 between the first price and said any price lower than the
14 first price; and

15 means for refunding to an account of the consumer an
16 amount equal to the money-value difference.

1 65. The business system of claim 64 further comprising
2 a host system that includes the means for recording,
3 means for monitoring, means for noting, and means for
4 calculating.

1 66. The business system of claim 65 further comprising
2 the host system also including the means for
3 refunding.

1 67. The business system of claim 64 wherein the consumer
2 conducts the consummated final first transaction with the vendor
3 via the host system.

68. The business system of claim 64 further comprising means for duplicating for the consumer any incentive accompanying sales of the item after the consummated final first transaction during the predetermined time period.

69. The business system of claim 64 further comprising means for determining a pertinent geographic area for the consummated final first transaction and for limiting the monitoring step to sales prices available within the pertinent geographic area.

70. The business system of claim 64 further comprising means for providing a warranty to the consumer.

71. In a business system with a magnetic strip card with consumer identifying information encoded thereon said information identifying a consumer desiring to conduct a transaction with a vendor, a host system that maintains information about discounts from said vendor, an apparatus for reading information on the magnetic strip card, said apparatus interconnected with and in communication with the host system, and means for applying any applicable discount related to said transaction for the benefit of said consumer, the improvement comprising

means for guaranteeing a consumer a best price on an item purchased from the vendor in a consummated final first transaction at a first price; said means further comprising means for recording the first price and information identifying the consumer;

means for monitoring the sales price of the item for a predetermined time period after the purchase of the item by the consumer in the consummated final first transaction;

means for noting any price lower than the first price for the item during the predetermined time period;

means for calculating a money-value difference between the first price and said any price lower than the first price; and

means for refunding to an account of the consumer an amount equal to the money-value difference.